

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 EUCARIO MARTINEZ-BOTELLO, )  
 )  
 Defendant. )

2:10-CR-244-PMP (RJJ)

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on September 10, 2010, defendant EUCARIO MARTINEZ-BOTELLO pled guilty to a Two-Count Superseding Criminal Information charging him in Count One with Possession with Intent to Distribute a Controlled Substance - Methamphetamine in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(B)(viii) and in Count Two with Illegal Alien in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(5)(A).

This Court finds defendant EUCARIO MARTINEZ-BOTELLO agreed to the forfeiture of the property set forth in the Forfeiture Allegations of the Superseding Criminal Information.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegations of the Superseding Criminal Information and the offenses to which defendant EUCARIO MARTINEZ-BOTELLO pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c); Title 21, United States Code, Section

1 853(a)(2); Title 21, United States Code, Section 881(a)(11) and Title 28, United States Code, Section  
2 2461(c):

- 3 a) a Ruger, model Security-Six, .357 caliber, six-shot revolver with black  
4 grips, bearing serial number 155-12881; and  
5 b) any and all ammunition (“property”).

6 This Court finds the United States of America is now entitled to, and should, reduce the  
7 aforementioned property to the possession of the United States of America.

8 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
9 United States of America should seize the aforementioned property.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
11 EUCARIO MARTINEZ-BOTELLO in the aforementioned property is forfeited and is vested in the  
12 United States of America and shall be safely held by the United States of America until further order  
13 of the Court.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
15 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
16 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state  
17 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state  
18 the name and contact information for the government attorney to be served with the petition, pursuant  
19 to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
21 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
23 shall be served upon the Asset Forfeiture Attorney of the United States Attorney’s Office at the  
24 following address at the time of filing:

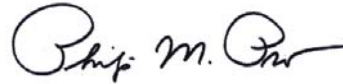
25 . . .

26 . . .

1 DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney  
2 MICHAEL HUMPHREYS  
Assistant United States Attorney  
3 Lloyd D. George United States Courthouse  
333 Las Vegas Boulevard South, Suite 5000  
4 Las Vegas, Nevada 89101.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
6 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
7 following publication of notice of seizure and intent to administratively forfeit the above-described  
8 assets.

9 DATED this \_ 14th day of September, 2010.

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UNITED STATES DISTRICT JUDGE  
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**PROOF OF SERVICE**

I, Alexandra M. McWhorter, certify that the following individuals were served with copies of the Preliminary Order of Forfeiture on September 13, 2010 by the below identified method of service:

E-mail/ECF

Brenda Weksler  
Federal Public Defender  
411 E. Bonneville Ave.  
Las Vegas, NV 89101  
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*Counsel for Eucario Martinez-Botello*

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*Counsel for Fernando Coronel-Zamora*

/s/AlexandraMMcWhorter  
ALEXANDRA M. MCWHORTER  
Forfeiture Support Associate Paralegal